



CONCORD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

SECONDARY AND OUTSIDE EMPLOYMENT

GENERAL ORDER: 03.07

CREATED: December 1, 2000

ISSUE DATE: October 25, 2021

CALEA STANDARD: 22.2.5

EFFECTIVE DATE: October 25, 2021

ACTION: Amends general order dated October 20, 2020.

03.07.0 **PURPOSE**

The purpose of this general order is to establish policies and procedures for coworkers who wish to engage in secondary or outside employment opportunities.

03.07.1 **POLICY**

It shall be the policy of the Concord Police Department to provide secondary employment opportunities to sworn coworkers and to fairly manage the secondary employment process. It shall also be the policy of the department to allow coworkers to participate in outside employment consistent with this general order.

03.07.2 **DEFINITIONS**

A. ALCOHOL SALE ESTABLISHMENT

Any restaurant that holds an Alcohol or Mixed Beverage Restaurant Permit and conducts the sale of alcoholic beverages and food for on-premises consumption as defined in NCGS 18B-1000(6). Hotels, conference and events centers, festivals, concerts, sporting venues, and private events are not included in the definition of this section.

B. COORDINATED SECONDARY EMPLOYMENT

An employment opportunity that has a predetermined pool of coworkers that have been approved for secondary employment for a recurring job.

C. EXTRA DUTY SOLUTIONS (EDS)

A company contracted to administer the Concord Police Department's Secondary Employment program.

D. JOB SITE COORDINATOR

A coworker designated to work with EDS, the secondary employment liaison, and a specific employer.

E. OUTSIDE EMPLOYMENT

Any employment outside the coworker's normal police duties where services are provided for monetary gain that will not require the use or potential use of a coworker's law enforcement powers. Outside employment includes duties and services performed by those coworkers that are self-employed and receive compensation or other considerations for services, products or benefits rendered. This includes, but is not limited to, self-employment such as contracting, teaching or sales jobs.

F. RESIDENT SECURITY OFFICER (RSO)

Employment of a sworn coworker by an apartment or residential community for the provision of on-site security services in exchange for pay, housing, reduction in rent or other benefits.

G. SECONDARY EMPLOYMENT

A service conditioned on the actual or potential use of law enforcement authority by a sworn coworker, outside normal Concord Police Department duty hours, for an employer in exchange for a fee or other service. Secondary employment shall always remain 'secondary' to a coworker's on-duty job responsibilities, and shall not in any way infringe upon a coworker's on-duty job performance.

H. SECONDARY EMPLOYMENT LIAISON

The Support Services Division Commander who shall coordinate between the Concord Police Department and Extra Duty Solutions. The liaison shall assist EDS with approving new off duty request and any other assistance needed from EDS.

03.07.3 SECONDARY EMPLOYMENT APPROVAL

- A. The secondary employment liaison shall coordinate and manage secondary employment.
- B. All coworkers that request to work secondary employment shall complete the secondary employment work permit and submit it through the coworker's chain of command for approval. Permits shall be reviewed by the secondary employment liaison.

NOTE: The secondary employment work permit shall be completed once and not annually as under previous versions of this general order.

- C. All requests and inquiries concerning brokering of secondary employment of coworkers shall be directed to EDS.
- D. EDS shall make all secondary employment opportunities available to coworkers through the secondary employment management system.
- E. Coworkers that are directly contacted by a private employer regarding employment shall report the information to the secondary employment liaison. The coworker may be allowed to accept the employment if it complies with this order.

- F. Coworkers or employers wishing to add a business to the list of approved employers, must submit the required forms to the secondary employment liaison.
- G. Employers wishing to hire off-duty officers shall notify EDS seven days in advance. The seven day requirement may be waived if the employment is in the public's interest.
- H. The professional image, reputation of the department and coworker safety shall be a primary consideration in the approval or denial of secondary employment.
- I. No secondary employment shall be accepted until the employer and type of duty are approved by the secondary employment liaison.
- J. Any secondary employment that adversely affects the department or presents a potential conflict of interest shall be prohibited.
 - 1. Secondary employment may be deemed a conflict of interest by the Chief of Police which would reflect unfavorably upon the department or coworker.
 - 2. A secondary employment application shall not be approved where valid evidence exists that a business or establishment engages in, or allows, criminal conduct on or within their premises.
 - 3. A secondary employment application shall not be approved for an employer who is known to have been convicted of a felony or a violent misdemeanor.

NOTE: If an individual is submitting a secondary employment request as a representative for a business or corporation, and is not the actual owner, the individual's criminal record shall not factor into the approval decision.

03.07.4 EXTRA DUTY SOLUTIONS

- A. Secondary employment shall be coordinated by EDS. EDS shall maintain all contact with the individuals, businesses, or corporations requesting secondary employment.
- B. The secondary employment liaison shall maintain contact with EDS to oversee the department's policies and approval of new secondary employment opportunities.
- C. Secondary employment shall be awarded based on:
 - 1. ASAP (jobs that start within three hours) shall be awarded after 30 minutes from the initial job posting time.
 - 2. If a job is within three days (including the day it was received), it shall be awarded after one hour from the initial job posting time.
 - 3. If a job is four days or more (including the day it was received), it will be awarded after 24 hours from the initial job posting time.
 - 4. Monthly recurring jobs shall open on the 1st of each month and shall be awarded on the 5th of the month. Any job left after the 5th shall be on a first come first serve basis.

- D. EDS uses a points system that resets to zero at the beginning of each month. One hour equals one point. Jobs requested or bid on to work shall be awarded to the officer with the lowest total points earned.
- E. There are three options for any coworker who finds it necessary to change his/her secondary employment schedule after the work assignment has been made:
1. Direct Transfer - the assigned officer finds another coworker to complete the assignment and complete a Direct Transfer with EDS.

NOTE: Officers will only be allowed three direct transfers during one calendar month period.

2. Department Transfer - EDS will send an automated message to everyone in the pool or the department advising that the job is open. If no one responds or accepts the job, it shall be the responsibility of the original officer to work the job. Department transfers shall not be allowed when the job is less than 7 days away.
3. Cancellation- If the job is more than 7 days away, officers can cancel the job and shall not be given points. The job shall then be assigned automatically to the next person in line or if no others have requested the job, it shall be opened to the department.

If the job is less than 7 days away, the officer assigned shall be given points for the late cancellation. The job shall be offered to the next requesting officer, or if no others have requested the job, it shall be the responsibility of the assigned officer to find someone to work the assignment. If the assigned officer is unable to find someone to work the assignment, they shall be responsible for working the assignment. Failure to show up for any secondary employment assignment may result in administrative consequences, such as suspension from secondary employment, and/or progressive discipline.

If an officer's assignment is changed within 24 hours of the scheduled job or they are a part of a specialized unit that is activated, and a job has to be canceled, they shall notify the secondary employment liaison. The job shall then be assigned automatically to the next person in line or if no others have requested the job, it shall be opened to the department. The secondary employment liaison shall determine whether or not the officer was activated or shall be penalized for the cancellation.

03.07.5 SECONDARY EMPLOYMENT COMPENSATION

- A. Rates of pay and associated fees, if any, shall be established by the Chief of Police. Any deviation from standard rates of pay must be approved by the Chief of Police.
- B. Secondary employment for city sponsored events will be paid using department overtime funds while all other secondary employment will be paid through the applicant for such police services.
- C. The following businesses are approved to compensate secondary employment at a rate of pay less than the minimum set forth in section 03.07.5 (D) of this general order:
 1. Carolina Mall - \$25.00 per hour.

2. Carolina Mall Cinemas - \$25.00 per hour.

These grandfathered rates of pay shall be reviewed on an annual basis by the Chief of Police.

D. Cabarrus County School System - **EFFECTIVE July 1, 2018.**

1. The rate of pay for athletic events is \$30.00 per hour with a two-hour minimum, except as follows:

- a. Any time worked over the two-hour minimum will be rounded up to a full hour. Time worked over the two-hour minimum shall be recorded by the school resource officer or designee, and submitted to the school finance department for payment. All payment is direct to the coworker.
- b. If a coworker arrives at their assignment and the event is immediately canceled the coworker(s) shall receive pay for one hour. If the event is canceled at least 1 hour in advance of the coworker's scheduled report time, the coworker is not due any compensation.
- c. If a coworker arrives at the event site, and the event is delayed due to weather conditions or other unforeseen circumstances, the coworker is to remain on site until a final decision is made by school personnel. In this case, the coworker will receive pay for actual time worked.
- d. Dances are paid at a flat rate of \$30.00/hour for actual time worked. The four (4) hour minimum does not apply if a dance immediately follows an athletic event that coworker(s) are already working.
- e. School traffic direction is paid at a rate of \$35.00/hour Additional or adjusted time will be paid in accordance with the annual school traffic direction contract.

E. All other secondary employment shall be contracted as follows:

<u>RANK</u>	<u>MINIMUM RATE (EFFECTIVE January 1, 2018)</u>
Officer/Security	\$30.00/hour
Officer/Traffic Direction	\$35.00/hour
Sergeant	\$40.00/hour (supervision required with 6 + officers)*
Captain	\$45.00/hour (supervision required with 6 + officers)*
Major	\$50.00/hour (supervision required with 6 + officers)*
Premium/Security	\$35.00/hour
Premium/Traffic Direction	\$40.00/hour

NOTE: Rate of pay may apply if the nature of the job requires supervision/management even if the number of officers is less than 6. The premium rate of pay shall apply during peak seasons when there is a high demand for manpower and/or for major events. Premium rates may also apply to secondary employment requests made less than four days prior to the event.

F. Rates of pay will be reviewed by the Chief of Police on at least an annual basis.

- G. Unless stated otherwise the minimum mandatory pay for an assignment is four hours x rate of pay.

03.07.6 SECONDARY EMPLOYMENT PROCEDURES

- A. A coworker who accepts a secondary employment assignment shall report for such assignment reasonably in advance of the start time. In the event of illness or delayed punctuality, the coworker is required to notify EDS as soon as practicable.
- B. Coworkers shall not work secondary employment while on paid sick leave, worker's compensation, or on limited or restricted duty. Coworkers shall not engage in any secondary employment while on suspension from the department. Coworkers with approved intermittent FMLA may work secondary employment so long as it's not during FMLA leave.
- C. A coworker may **not** engage in more than 16 hours of combined regular duty and secondary employment in a rolling 24 hour period without the approval of the Administration Bureau Commander or designee. Also, a coworker may **not** exceed more than 84 hours of combined regular duty, overtime and secondary employment in any work week without approval of the Administration Bureau Commander or designee.
1. For the limited purpose of this policy, a work week begins at 0000 hours on Monday and ends at 2359 hours on Sunday. A day is considered to start at 0000 and end at 2359 hours.
 2. Roll call, holiday, sick and vacation hours shall not count against a coworker's total number of hours worked.
- D. Any secondary employment that exceeds five hours shall be followed by a minimum six hour period of non-work before reporting for any regular duty shift.
- E. Coworkers may not engage in secondary employment until the successful completion of the field training program, without the prior approval of the Administration Bureau Commander or designee.

NOTE: Coworkers in their field training phase may apply for a secondary employment assignment to work specific assignments where other senior officers are present and the coworker will not be working alone (e.g. school athletic events). This request must be made to the secondary employment liaison on a case by case basis.

- F. Coworkers working secondary employment for any business involved in a labor management dispute shall in no way become involved in said dispute. Coworkers finding themselves in such circumstances shall immediately notify the watch commander, the secondary employment liaison, and confine their activities strictly to enforcement of state statutes and municipal ordinances.
- G. Coworkers are prohibited from actively soliciting secondary employment opportunities for themselves.
- H. Coworkers shall not perform duties for compensation for any person, firm, or by way of self-employment while on-duty. However, coworkers may work secondary employment if using approved vacation or holiday time.

- I. Coworkers shall only sign up for jobs they intend to work and shall not profit or attempt to profit from the secondary employment of any other coworker.
- J. Coworkers engaged in secondary employment are required to conform to the same standard of conduct as applies to their regular duty activities. This would specifically include the requirement that they shall not enforce rules, regulations, or restrictions a private employer may wish to enforce for his/her own purposes. Coworkers may be authorized in writing by the private employer to administer trespass warnings. Coworkers working secondary employment shall conform to G.O. 04.06 Personal Appearance Standards and Equipment.
- K. A coworker engaged in secondary employment is required to use a marked or unmarked police vehicle for secondary employment assignments. The use of a personal vehicle for secondary employment assignment is prohibited.
- L. A coworker engaged in secondary employment shall wear a body worn camera and operate the BWC in accordance with General Order 07.04.
- M. A coworker shall not be permitted to leave their regular duty shift to work secondary employment and then return to regular duty within that same shift.
- N. Coworkers that work city paid overtime (i.e., parks and recreation games, airport security, downtown events, etc.) shall clock in and out at the closet time clock location to the workstation.

03.07.7 SUPERVISION

- A. When one or more coworkers or law enforcement agencies work together on the same assignment, (e.g. ball games, malls, concerts etc.) the highest-ranking or senior Concord Police Department coworker shall function as a supervisor for the event.
- B. On duty supervisors are encouraged to visit locations of secondary employment to ensure that a high standard of conduct is being maintained.
- C. Any secondary employment assignment requiring six or more coworkers shall require at least one supervisor. The Administration Bureau Commander or designee shall determine supervision requirements for secondary employment assignments requiring six or more coworkers, or if the nature of the assignment warrants direct supervision or management.

03.07.8 JOB SITE COORDINATORS

- A. Upon approval from the Administration Bureau Commander or designee, a coworker may be designated as a job site coordinator to assist EDS and the secondary employment liaison. A coworker may not be listed as or act as a job site coordinator for more than two locations.
 - 1. The job site coordinator shall be responsible for the following duties:
 - a. Keep the roster of coworkers for the job updated with EDS;
 - b. Serve as a point of contact between the coworkers, employer, and EDS;

- c. Provide updates on changes of employer information to the secondary employment liaison annually;
 - d. Any other reasonable duties assigned by the secondary employment liaison.
2. The job site coordinator shall not negotiate rates of pay with an employer.
 3. Job site coordinators requesting dismissal of a coworker from a coordinated job shall submit in writing a memorandum to the secondary employment liaison for the matter to be evaluated. Any decision on dismissal or suspension from a coordinated job shall be made by the Chief of Police. Any appeal must comply with the City of Concord Personnel Policy 8.4 – Grievance Policy.
 4. School resource officers should serve as the job site coordinators for any school related events at their school, and may function as coordinators for up to two locations other than their assigned school.

03.07.9 **RESIDENT SECURITY OFFICER REGULATIONS**

- A. Any employer wanting to hire an RSO must provide in writing the need for police services, the duties to be performed, and the compensation the coworker will receive to the secondary employment liaison for approval. Such employment may not begin until the employer, and the conditions of employment have been approved.
- B. A coworker contemplating employment as an RSO shall submit, through their chain of command, a Resident Security Officer Application (Form RSO-1) prior to accepting any RSO security position.
- C. Coworkers serving as an RSO **shall**:
 1. Confine their duties strictly to those of a law-enforcement nature;
 2. Notify the secondary employment liaison of any changes in the name of the apartment complex or the termination of employment as an RSO;
 3. Take appropriate action in regards to all violations of the law.
- D. Coworkers serving as an RSO **shall not**:
 1. Respond to a complaint if impaired. If a coworker receives a complaint while impaired, they shall contact the Communications Center and request that a regular duty officer respond to the complaint.
 2. Respond to a complaint in the apartment complex where they are employed while on regular duty unless dispatched to that location by the Communications Center or as requested by a supervisor.
 3. Act to enforce any rules and regulations set by the apartment management that are not otherwise violations of the law but may be authorized to administer trespass warnings.
 4. Collect rent, debts, checks, or any money on behalf of the apartment complex.

03.07.10 TRAFFIC CONTROL SECONDARY EMPLOYMENT

- A. Coworkers working secondary employment at a firm or establishment that requires the coworker to engage in traffic control on public streets shall fairly serve the interest of all motorists, not just those going in or out of a private establishment.
- B. Coworkers should direct traffic in conjunction with the operation of any nearby traffic control signals if possible.

03.07.11 SECONDARY EMPLOYMENT AT ALCOHOL SALE ESTABLISHMENTS

- A. Coworkers shall limit their presence to the exterior of the business of these establishments unless a situation dictates otherwise. Coworkers may enter the business if required to respond to a report of possible criminal activity or through otherwise developed reasonable suspicion that criminal activity is occurring, has occurred, or is likely to occur inside the establishment and immediate action is required. If allowed by the contracting establishment, a coworker may take a break and be seated in an area away from any area that serves alcoholic beverages.
- B. Coworkers shall confine their duties to those of a law enforcement nature. No coworker may act as a "bouncer" or in a capacity acting primarily to determine who enters or remains on the premises.
- C. Coworkers shall not collect, or oversee the collection of cover charges.
- D. When responding to situations anywhere on the premises and whether self-initiated or reported by a second party, coworkers shall initiate a call for service through communications and furnish all pertinent information.
- E. No coworker shall engage in secondary employment that involves the handling or dispensing of mixed beverages. Coworkers that wish to engage in over the counter sales of beer and wine shall submit an outside employment approval request form as outlined in City of Concord Personnel Policy 8.16. This applies to a non-uniform job, such as in a convenience store or food store.
- F. If a coworker, while in a secondary employment assignment, determines that continuous unlawful activity is occurring they shall immediately terminate the employment. The coworker shall then notify the watch commander and secondary employment coordinator. Coworkers working in such establishments are held accountable for reporting unlawful activity.

03.07.12 DENIAL OR REVOCATION OF PRIVILEGE

- A. The Chief of Police may deny or revoke the privilege of engaging in secondary employment if the denial is determined to be in the best interest of the police department, the city, or the public. Prior to revocation of previously expressed approval of any secondary employment, the coworker adversely affected shall be given notice of the proposed revocation and an opportunity to be heard.
- B. All approved secondary employment requests shall be signed by the Administration Bureau Commander or designee.

03.07.13 OUTSIDE EMPLOYMENT

- A. Coworkers who wish to work as an instructor to qualify civilians for concealed weapons permits shall submit an outside employment form as outlined in City of Concord Personnel Policy 8.16.
- B. Coworkers who are on light duty may perform outside employment duties that are approved according to the City of Concord Personnel Policy 8.16 - Outside Employment Policy.
- C. Coworkers shall not use city assigned vehicle for outside employment purposes unless authorized to do so by the Chief of Police.



GARY J. GACEK
CHIEF OF POLICE



Subject: Extra Duty Solutions Introduction

Hello,

Our company, Extra Duty Solutions, will start administering the Concord Police Department's Secondary Employment program November 1, 2020. We look forward to working with you.

We have included instructions below so you can familiarize yourself with the basic functions of the officer portal.

Extra Duty Solutions (EDS) account team contact Information

Phone - 704-960-1321

Email - ConcordNC@ExtraDutySolutions.com

Fax - 203-306-3140

Actions Required for initial set-up of your portal:

1. Click on the link below to access Officer Portal Login:

<https://concordnc.workoffduty.com/wfxdlogin.aspx>

2. Login for the first time:

To login enter your Badge # then select EMAIL PASSWORD Your default password will be emailed to your police department email account (**Make sure to change your password after the first login**)

3. Complete the MY ACCOUNT section

It's your choice if you would like to be notified of available details via e-mail, text message or both. Please go into the MY ACCOUNT section of the website and then EDIT PROFILE. Enter how you would like to be contacted and the information needed to contact you.

4. Phone App (Optional)

If you would like to use the phone app go to the app store and search **Jivosoft** or **Xtra Duty**. Prior to adding the app make sure to go to My Profile and add your e-mail address and make sure "Notify by Email" is checked. This is required so you can receive the security code to add the app.

Detail Assignment Process:

Details will be communicated via email and/or text (Officers' choice) on a monthly basis for recurring jobs and as requests from customers come in. Officers can select any details they are interested in via their portals. Please refer to the department's policy for the rules.

Officers will be assigned 1 point for every hour worked.

The Officers will be selected by the total points from lowest to highest. Points are awarded when the jobs are assigned and updated upon check out when the job is completed. Sworn Date will be the tiebreaker.

Points are updated on a monthly basis

Award Timing:

ASAP (job starts within 3 hours) - award after 30 minutes

If job is within three days (including the day it was received): award after 1 hour.

If job is for 4 days or more (including the day it was received): award it after 24 hours from when it's posted.

Monthly Recurring Jobs – Requests Open on the 1st of the month prior at 0900 and jobs will be awarded on the 5th of the month prior at 0900 (for example, June recurring details would open May 1 at 0900 and award on May 5 at 0900).

Any details which remain open after the assignment process times have ended will be on a first-come-first-serve basis.

View upcoming details:

1. Log into the Officer Portal using your Employee number and password
2. Click on AVAILABLE JOBS
3. Choose the date range for the details you would like to see

Request a detail:

1. Log into the Officer Portal
2. Select the Available Jobs tab
3. Open details will be visible in the Available Jobs page (Use the calendar to view different dates)
4. Choose the detail by selecting 'Request' for the detail you would like to work. Jobs that are first come first serve will appear as "Take Job"

Cancel a Job:

1. Refer to Concord Police Department general order 03.07.4

Transfer a detail:

1. Go to My Schedule and find the job you would like to transfer
2. Click on Transfer
3. There are two transfer options –
 - a. Direct Transfer – Transfer the job directly to another Officer who has agreed to work.
 - b. Department Transfer – this will send the job out to the entire department. An automated alert will be sent to the department advising of the open job.
4. You will be alerted when another Officer takes your job.

Check in & out feature:

This feature enables you to state when you began and finished working a detail. You can check in and out of details on your smartphone, tablet or a computer. Check-in and -out is critical as it drives the pay roll function. Check in and check out will become available about 15 minutes prior to the detail's start time and right after the scheduled end time in the Officer Portal.

Check Details you are working in the future –

1. Log into the Officer Portal using your Call number and password
2. Click on MY CALENDAR
3. Choose the date range for your future details

Check past details worked and payroll –

1. Log into the Officer Portal using your Call number and password
2. Click on JOB HISTORY
3. Choose the date range you want to see prior details worked

Officer Payment –

Officers will be paid by Extra Duty Solutions via check or direct deposit on a bi-weekly basis. EDS will require a W9 from all Officers and an optional direct deposit form for Officers choosing payments via ACH. Jobs worked from Monday through Sunday during the two week period will be paid on the following Friday. For example, jobs worked Monday, 10/12 through Sunday, 10/25 will be paid on Friday, 10/30.

Again, we look forward to working with you!

Extra Duty Solutions
Phone - 704-960-1321
Email - ConcordNC@ExtraDutySolutions.com
Fax - 203-306-3140